

REMARKS

Claims 1-2, 4-12, 14-20, and 22-34 are pending. Claims 1, 4-9, 11, 14-19, 22-26, and 28-30 are amended. Claims 3, 13, and 21 are cancelled. No new matter is added as a result of the above amendments. Reconsideration of pending claims 1-2, 4-12, 14-20, and 22-34 is respectfully requested in light of the above amendments and the following remarks.

Amendments to the Specification

The examiner requests the Applicants' cooperation in correcting any errors of which Applicants may be aware of in the specification. Accordingly, amendments have been made by the Applicants to paragraphs 22, 36, and 45 of the current specification to correct minor errors.

Claim Objections, Claims 9 and 26

Claims 9 and 26 are objected to for informalities. By this Response, claims 9 and 26 are amended to correct the minor errors. Accordingly, Applicants respectfully request the withdrawal of the objection to claims 9 and 26.

Rejections under 35 U.S.C. §112, Second Paragraph, Claim 4

Claim 4 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The examiner alleges that an essential element, the respective mapping database record associated with the product, is missing amounting to a gap between the elements. By this Response, claim 1 is amended to include the features of previously pending claim 4 and to recite the feature of "retrieving a mapping database record associated with the first product from the mapping database" as suggested by the examiner. Accordingly, Applicants respectfully request the withdrawal of the rejection to claim 4 under 35 U.S.C. §112, second paragraph.

Rejections under 35 U.S.C. §102(b), Claims 1-31

Claims 1-31 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Shavit (US Patent No. 4,799,156 hereinafter referred to as "Shavit").

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claims 1, 11, 19, and 26 to sustain this rejection the Shavit patent must contain all of the above elements of the claim. However, contrary to the examiner's position that all elements are disclosed in the Shavit reference, the reference does not disclose "updating a mapping database record associated with the first product with the predetermined information from the quotation database and the product database associated with the first product, wherein the mapping database associates information of the quotation from the quotation database with information of the first product from the product database," "retrieving a mapping database record associated with the first product from the mapping database," or "calculating an order price based on the mapping database record comprising the quote amount associated with the first product, and the desired quantity identified in the product manufacturing facility order."

The examiner alleges that Shavit teaches these features at column 24, line 53 - column 25, line 9; column 31, line 2 - column 32, line 9; column 36, lines 22-53; and column 40, lines 28-35. However, at column 24, line 53 - column 25, line 9, Shavit merely discloses determining the type of service for billing (database service or computing service) and linking the user to the selected programs. At column 7, lines 9-20, Shavit discloses that "database services including those provided by the system 50 itself using information stored in its own files (i.e., directories, information purchased by it for distribution, etc) or as a conduit to other database providers (e.g. Dialog, etc.)." Nowhere does Shavit disclose "a mapping database that associates information of quotation from the quotation database with information of the first product from the product database," let alone updating such a mapping database.

At column 31, line 2 – column 32, line 9, Shavit discloses an automatic information service that “provides application programs for accessing the distributor data base and provides data processing functions on behalf of the distributor when dealing with other parties.” (column 31, lines 2-5). However, there is no mention of a mapping database by the distributor that associates quotation information with information of a product. The functions that the service of Shavit performs include maintaining a promotional interactive session, answering customer inquiries and generating online reports, automatic order amendments, automatic sales order entry, and automatic bidding (Fig. 21). But none of the functions includes “updating a mapping database that associates quotation information with product information,” “retrieving from a mapping database a mapping database record associated with the first product,” or “calculating an order price based on the mapping database record and the desired quantity,” as recited in claims 1, 11, 19, and 26.

At column 36, lines 22-53, Shavit discloses freight carrier operations that comprise preparation and review of manually and automatically generated bids; entry, amendment, and review of reservation records; entry, retrieval, and review of documentation; entry and review of scheduling and status information; management of bulletin board offerings, and operation of submission of invoices and statements through the system. However, none of the operations includes “retrieving a mapping database record associated with the first product from the mapping database,” or “calculating an order price based on the mapping database record comprising the quote amount associated with the first product, and the desired quantity identified in the product manufacturing facility order,” as recited in claims 1, 11, 19, and 26.

While at column 25, lines 29-49, Shavit discloses permitting a buyer to enter and submit a request for quotation (RFQ), calculating such values as weights, volume, etc., and recalculating the prices and terms of a previously reviewed bid, Shavit fails to disclose calculating the order price based on a mapping database record from a mapping database that is associated with a product. Shavit merely discloses a system that “attempts to prepare a bid based on database information.” (column 25, lines 37-39). In the Abstract, Shavit discloses that “[t]he system includes a data base which contains user information.” At column 7, lines 23-26, Shavit discloses

“a local data base which may include a complete data base for individual subscribers as well as a partial data base of a subscriber.” However, Shavit fails to mention anywhere in the reference “a mapping database that associates quotation information from a quotation database with product information from a product database,” as recited in claims 1, 11, 19, and 26.

Therefore, contrary to the examiner’s allegations, Shavit fails to disclose the features of claims 1, 11, 19, and 26 in the above sections or any other section of the reference. Thus, the rejection of claims 1-2, 4-12, 14-20, and 22-31 under 35 U.S.C. §102(b) is not supported by the reference and should be withdrawn.

Rejections Under 35 U.S.C. §103(a), Claims 32-34

Claims 32-34 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Shavit in view of Senior (US Patent Publication No. 2002/0029171 hereinafter referred to as “Senior”). Applicants traverse this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claims 32-34.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for the following, mutually exclusive, reasons.

1. Even When Combined, the References Do Not Teach the Claimed Subject Matter

Shavit and Senior cannot be applied to reject claims 32-34 under 35 U.S.C. § 103(a), because Shavit and Senior, either alone or in combination, fail to disclose or suggest the features of claim 26, from which claims 32-34 depend. As discussed above in arguments presented for claims 1, 11, 19, and 26, Shavit does not disclose the features of “a mapping database that

interfaces with both the quotation database and the product database capable of storing quotation information associated with the first product,” “memory connected to the quotation entry device configured to receive a mapping database record associated with the first product from the mapping database,” and “a price calculator configured to receive the product manufacturing facility order from the order entry device, to access the memory to identify the quote amount associated with the first ordered product from the mapping database record, and to calculate a price for the first ordered product based on the desired quantity and the quote amount.” Senior also does not disclose such features.

In paragraph 41, Senior discloses “a system for transacting quantities of a commodity online,. . . , which system comprises at least one web server computer designed for serving a host of computer web browsers simultaneously and providing said browsers with the capability to interface with the system. . . . The web server co-operates with a separate database computer. . . . The database computer is accessible to the web computer to allow selective retrieval of commodity information which can include: product description, quantity of product to be transacted, and current market price of the goods or services (commodity) to be purchased.” Thus, the database of Senior merely comprises “commodity product information.” (paragraph 38). Senior does not disclose “a mapping database that interfaces with both the quotation database and the product database capable of storing quotation information associated with the first product,” let alone “memory connected to the quotation entry device configured to receive a mapping database record associated with the first product from the mapping database.”

Since Senior does not disclose “a mapping database that interfaces with both the quotation database and the product database capable of storing quotation information associated with the first product,” Senior would not disclose “a price calculator configured to access the memory to identify the quote amount associated with the first ordered product from the mapping database record, and to calculate a price for the first ordered product based on the desired quantity and the quote amount.” While in paragraph 74, Senior discloses that “[t]he web server computer can include custom written interface software for transacting commodities in the system database computer by displaying, during a transaction or at any other time, the current

price of the commodity,. . . , continually updating the price,” Senior’s web server computer does not “identify a quote amount associated with the first ordered product from the mapping database record” or “calculate a price for the first ordered product based on the desired quantity and the quote amount.” Therefore, Senior also does not disclose the features of claim 26 from which claims 32-34 depend.

The examiner alleges that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the system of Shavit to include the single device being a personal data assistant, the quotation entry device being connected to the memory via a wireless connection, and the order entry device being connected to a price calculator via a wireless connection as disclosed by Senior, to improve the convenience of using the system, and making the system more accessible and easier to use, thereby attracting more users to the system and increasing commerce using the system. Applicants respectfully disagree.

Neither Shavit nor Senior discloses or suggests “a mapping database that interfaces with both the quotation database and the product database capable of storing quotation information associated with the first product.” Shavit merely discloses database services that include those provided by the system itself using information stored in its own files or as a conduit to other database providers, a data base which contains user information, and a local database which may include a complete data base for individual subscribers as well as a partial database of a subscriber. On the other hand, Senior discloses a database that merely comprises commodity product information. There is no disclosure or suggestion in either reference to modify the disclosure of Shavit or Senior to include a mapping database. Therefore, a person of ordinary skill in the art would not have been led to modify the disclosures of Shavit and Senior to reach the presently claimed invention.

Thus, for this mutually exclusive reason, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection to claims 32-34 under 35 U.S.C. §103(a) should be withdrawn.

Even, *arguendo*, if a person of ordinary skill in the art were to combine the disclosures of Shavit and Senior, the resulting combination still would not include “a mapping database that interfaces with both the quotation database and the product database capable of storing quotation information associated with the first product,” since neither reference mentions such a mapping database.

Thus, it is clear that neither patent provides any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. § 103(a) rejection.

Conclusion

It is clear from all of the foregoing that independent claims 1, 11, 19 and 26 are in condition for allowance. Dependent claims 2, 4-10, 12, 14-18, 20, 22-25, 27-34 depend from and further limit independent claims 1, 11, 19 and 26 and therefore are allowable as well.

An early formal notice of allowance of claims 1-2, 4-12, 14-20, and 22-34 is requested.

Respectfully submitted,

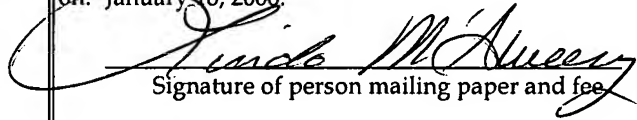


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Signature of person mailing paper and fee

US Patent Application No. 10/712,880
Reply to Office Action of November 17, 2005

Attorney Docket No. 2002-1130 (24061.50)
Customer No. 42717

Amendments to the Drawings:

The attached sheets of drawings include Figures 6, 7 and 8 that were not included with the initial application.

Attachment: New Sheets